

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MURIEL K. SMITH, SR.

PLAINTIFF

V.

CIVIL ACTION NO. 1:06CV284 LTS JMR

AIRGAS-GULF STATES, INC., ET AL.

DEFENDANTS

ORDER STAYING CASE PENDING ACTION
BY THE JUDICIAL PANEL FOR MULTIDISTRICT LITIGATION

This case is before the Court on the motion of Defendant General Electric Company for an extension of time to file its response to the plaintiff's complaint and on a motion by Defendants ESAB Group, Inc.; Eutectic Corporation; Hobart Brothers Company; Lincoln Electric Company; Lincoln Electric Holding, Inc.; Linde Gases of the South, Inc.; Magnolia Welding Supply Company, Inc.; Praxair, Inc.; Sandvic, Inc.; Union Carbide Corporation; Union Carbide Chemicals and Plastics Company, Inc.; Viacom, Inc.; Westinghouse Electric Corporation; and A.O. Smith Corporation to stay this proceeding pending a determination by the Judicial Panel for Multidistrict Litigation (Panel) whether this action should be transferred to the United States District Court for the Northern District of Ohio, Eastern Division, for further proceedings.

On March 31, 2006, defendants notified the Panel that this case was a potential "tag along" action in the Welding Rods Product Liability Litigation, and the defendants requested that this case be transferred to the United States District Court for the Northern District of Ohio, Eastern Division. The defendants are asking that this action be stayed pending a decision by the Panel whether to accept the transfer of this case.

I am of the opinion that the motion to stay is reasonable, pending the decision of the Panel, and that Defendant General Electric's motion for an extension of time to file its response to the complaint is also well taken.

Accordingly, it is

ORDERED

That the motion to stay this proceeding pending a decision of the Judicial Panel for Multidistrict Litigation concerning defendants' request for transfer [31] is hereby **GRANTED**;

That the motion of Defendant General Electric for an extension of time to file its response to the plaintiff's complaint [32] is hereby **GRANTED**;

That this action is hereby **STAYED** until a decision on defendants' request for transfer is decided by the Judicial Panel on Multidistrict Litigation. In the event the request for transfer is granted, the stay of this action will end without further order of the Court. In the event the request for transfer is denied, the plaintiff shall promptly so notify the court so that this stay may be vacated and so that further proceedings may take place; and

That Defendant General Electric shall be allowed a period of twenty days from the date a decision is made on the request to transfer within which to file its response to the plaintiff's complaint.

SO ORDERED this 9th day of May, 2006.

s/ L. T. Senter, Jr.

L. T. Senter, Jr.
Senior Judge